IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CIVIL APPLICATION NO.518 OF 2005
IN
WRIT PETITION NO.10133 OF 2004

Maharashtra Shramik Sena .. Applicant

v/s.

Mumbai Mazdoor Union & ors. ..Respondents.

Mr.M.S.Topkar for the applicant.

Mr.S.Mahadeshwar for respondent No.1.

Mr.K.S.Bapat for respondent No.2.

Ms.Meena Doshi for respondent No.3.

**CORAM : R.M. LODHA AND**
**R.S. MOHITE, JJ.**

**DATED : 23rd March, 2005**

**P.C.**

By this civil application, the applicant seeks leave to amend the writ petition by challenging the order dated 29.4.2004 passed by the Industrial Court, Kolhapur on applications U-6, UA-5 and UA-6. Subsequent to the order of 29.04.2004, in the light of the objection raised by the applicant about the maintainability of the Application (MRTU) No.6 of 2003, by order dated 21.6.2004, the Industrial Court, Kolhapur held that the Application (MRTU) No.6 of 2003 was maintainable under section 14 of the Maharashtra Recognition of Trade Unions and

Prevention of Unfair Labour Practices Act, 1971 (for short 'MRTU & PULP Act'). By means of writ petition No.10133 of 2004, the petitioner-Union has challenged the order dated 21.6.2004.

2. We do not find any justification to permit the petitioner to challenge the order dated 29.4.2004 in the present writ petition. If the petitioner is ultimately aggrieved by the final order passed in Application (MRTU) No.6 of 2003 or the Application (MRTU) No.7 OF 2003, the petitioner shall be at liberty to challenge the correctness of the order dated 29.4.2004 while challenging the final order in the aforesaid applications.

3. With the aforesaid liberty to the petitioner, the civil application is rejected.

**(R.M. LODHA, J.)**

**(R.S. MOHITE, J.)**